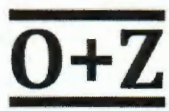


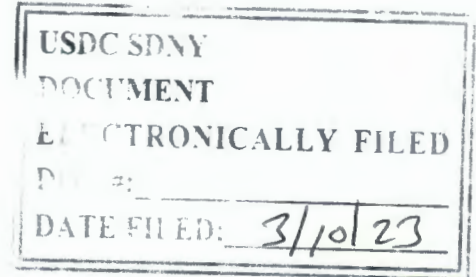
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March 9, 2023

MEMO ENDORSEDVIA ECFThe Honorable Louis L. Stanton
United States District Court
Southern District of New York
500 Pear Str., Room 21C
New York, NY 10007-1312**Re: Elsevier Inc. et al. v. Magdiel Garcia et al., S.D.N.Y. Case No. 20-cv-8438-LLS**

Dear Judge Stanton:

We represent Plaintiffs Elsevier Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Cengage Learning, Inc., McGraw Hill LLC, and Pearson Education, Inc. ("Plaintiffs") in the above-referenced action. Along with Defendants Magdiel Garcia, Henry Gonzalez Herrera, Yunaysis Martin Mata, Maghen Inc., Leidgam Holding LLC, and Yrneh Holding LLC ("Defendants"), we write to inform the Court that the parties have reached an Agreement in Principle to resolve this case. The parties expect that it will take them several weeks to determine if such terms can be finalized in a Settlement Agreement, which would be followed by a Proposed Stipulated Judgment and Permanent Injunction.

In light of the above, the parties respectfully request an adjournment of the initial pretrial conference scheduled for tomorrow, **Friday, March 10, 2023 at 2:30 p.m.** ("Initial Conference"). The parties recognize that Your Honor's Individual Rules 1(E) require that, "absent an emergency," adjournment requests be made at least 48 hours prior to the scheduled appearance. The parties have sent this letter with less than 48 hours' notice only because they just now reached the Agreement in Principle. That being said, Plaintiffs are prepared to appear tomorrow as scheduled if the Initial Conference is not adjourned, and Defendants, other than Defendant Mata, had previously indicated they would not be defending the case or appear at the Initial Conference in any event (*see* ECF No. 154).

So
Ordered
Louis L.
Stanton
3/10/23

Hon. Louis L. Stanton
March 9, 2023
Page 2 of 2

No previous requests for adjournments of the Initial Conference have been made, and no other scheduled deadlines in the case will be impacted by the requested adjournment.¹

Sincerely,

/s/ Danae Tinelli
Danae Tinelli

¹ If the case does not settle, some of the dates in the Proposed Scheduling Order (ECF No. 153) would require a short postponement. In that event, a revised Proposed Scheduling Order can be submitted by the parties who are participating in the litigation.